

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

CARLOS MAYA-GONZALES, :
Petitioner, :
vs. : CIVIL ACTION NO.: CV214-057
Suzanne R. Hastings, Warden, :
Respondent. :

O R D E R

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Petitioner filed Objections. In his Objections, Petitioner asserts that Dr. Joshua Childers declared in his declaration that he (Petitioner) denied any problematic use of alcohol or illicit substances within the year prior to his arrest, yet Petitioner's Pre-Sentence Investigation report ("PSI") does not reflect this. Petitioner contends that his PSI reflects that he used Percocet (Oxycodone) within one (1) year of his arrest.

Petitioner's PSI reflects that he "*experimented* with Percocet (Oxycodone) at age 38." (Doc. No. 11, p. 5) (emphasis supplied). Contrary to Petitioner's desire to have it otherwise, the Bureau of Prisons has "substantial discretion" to assign prisoners to substance abuse programs, and BOP staff members are allowed to review records for a verifiable substance use disorder. 28 C.F.R. § 550.53. Childers exercised this

discretion to determine that Petitioner is not eligible for entry into the Residential Drug Abuse Program ("RDAP"). Petitioner has not shown that Childers abused his discretion in making this determination.

Petitioner's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Petitioner's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DENIED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 11 day of August, 2014.

LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA